

# HOUSE . . . . . No. 2781

By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy relative to the medical eligibility criteria established by the Division of Medical Assistance for nursing facilities serving pediatric patients. Health Care Financing.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ELIGIBILITY CRITERIA FOR NURSING HOMES SERVING PEDIATRIC RESIDENTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 4J of Chapter 111 of the General Laws is  
2 hereby repealed.

1 SECTION 2. Section 71 of Chapter 111 of the General Laws is  
2 hereby amended by inserting after the last paragraph the following  
3 paragraphs:—

4 Notwithstanding any general or special law or regulation to the  
5 contrary, no nursing home licensed by the department in whole or  
6 in part as a skilled nursing care facility for children shall admit an  
7 individual under twenty-two years of age for a period of one hun-  
8 dred days or less unless said individual meets the medical eligi-  
9 bility criteria for nursing facility services established by the  
10 division of medical assistance, or receives prior authorization by  
11 said individual's private third party health insurer.

12 Notwithstanding any general or special law or regulation to the  
13 contrary, no nursing home licensed by the department in whole or  
14 in part as a skilled nursing care facility for children shall admit an  
15 individual under twenty-two years of age for a period to exceed  
16 one hundred days unless said individual meets the medical eligi-  
17 bility criteria for nursing facility services established by the divi-  
18 sion of medical assistance and is determined by said division to be  
19 a multiply-handicapped child, defined as a person under twenty-

20 two years of age with physical manifestations of neurologic, mus-  
21 culoskeletal, or organic dysfunction, irrespective of etiology, with  
22 the prognoses of significant impairment of growth and develop-  
23 ment and severe limitation of independent functioning, or unless  
24 said individual receives prior authorization by said individual's  
25 private third party health insurer. Any individual initially  
26 admitted to a skilled nursing care facility for children upon  
27 meeting the medical eligibility criteria of the division of medical  
28 assistance for a period of one hundred days or less must obtain  
29 approval for continued eligibility by said division in order to con-  
30 tinue residency in said facility beyond one hundred days. Any  
31 individual initially admitted into a skilled nursing facility for chil-  
32 dren under authorization by a private third party health insurer  
33 must obtain approval from the division of medical assistance  
34 under the division's medical eligibility criteria for continued resi-  
35 dency at said facility prior to the expiration of the third party  
36 health insurance coverage.

1 SECTION 3. Chapter 118E of the General Laws is hereby  
2 amended by inserting after section 14A the following section:—  
3 Section 14B. Notwithstanding any general or special law or  
4 regulation to the contrary, the division shall determine medical  
5 eligibility for admittance of children under the age of twenty-two  
6 to a skilled nursing care facility for children pursuant to regula-  
7 tions codified at 130 Code Mass. Regs. 456.252 as in effect on  
8 December 4, 1996.